

than calling these special elections. The standards for altering the boundaries of reclamation districts would be the same as the criteria and purposes for the formation of a district. However, a district board could not deny a petition requesting inclusion of land on which districts works are or will be located. A petition to exclude land from the district would be allowable if the landowner chooses not to take advantage of any benefit provided by the district. Currently only land which cannot benefit from the reclamation district projects can be excluded from the district by petition. This point is very important. This is the taxation without representation argument. Right now these individuals affected by works are not allowed to join a district unless they are contiguous and there is a number of factors that are involved. This says if your land is taken, if your land is cut across by this project, public works, you are given a chance to participate in the project and vote on that effort so that you have some voice in it. The power to exercise eminent domain would be limited by the amendment. Such power could be exercised on land outside the boundaries of a reclamation district only if approval for such eminent domain is approved by the county board in the county where the land is located. This will provide due process to landowners who are adversely affected but are not qualified to vote in district elections. The amendments would also make a number of technical changes in reclamation district laws including the streamlining of various definitions, clarifying other provisions and identifying the bill as a reclamation act. These amendments in to to basically are an attempt to deal with some of the concerns I have with the bill and if adopted, I could support the legislation. There are a number of technical problems with LB 198. These are problems that have not yet been recognized by the sponsors of the bill. I feel a little bit about like Senator Chambers who takes a look at legislation and finds serious problems but has nobody really concerned about the fact that there is a poor drafting of a piece of legislation but, nevertheless, there is some very poor drafting in LB 198. The powers delegated to the director of the Department of Water Resources are very broad and not well defined and I think would be subject to the vagueness clause in our Constitution or unlawful delegation of authority to that department head. Furthermore there are a number of other items in the bill and I have identified some of them in this summary of the amendments I have that I feel need to be clarified to identify exactly how this system would work. The bottom line on LB 198 is that this is a major water bill,